

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

GLENN ARTHUR SINCLAIR and)
MARILYN SINCLAIR,)
)
 Plaintiffs,)
)
v.) Case No. CIV-18-938-D
)
HEMBREE & HODGSON)
CONSTRUCTION, L.L.C.,)
JUBIL LEE McBLAIR,)
JSW PROPERTIES, INC., and)
CONTINENTAL TIRE NORTH)
AMERICA, INC.)
)
 Defendants.)

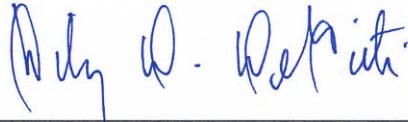
ORDER

Defendant Continental Tire North America, Inc. (“Continental Tire”) moved to dismiss Plaintiffs’ Complaint on October 16, 2018. [Doc. No. 8]. During the pendency of the motion, Plaintiffs filed an Amended Complaint [Doc. No. 17].¹ This Amended Complaint supersedes Plaintiffs’ original pleading and renders it of no legal effect. *See Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991); *Predator Int’l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180-1181 (10th Cir. 2015); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007). Thus, Continental Tire’s motion directed at the Complaint is moot.

¹ Continental Tire filed an Answer to Plaintiffs’ Amended Complaint on November 16, 2018. [Doc. No. 22].

IT IS THEREFORE ORDERED that Defendant Continental Tire's Motion to Dismiss [Doc. No. 8] is DENIED as moot. Plaintiffs' response brief [Doc. No. 18] is hereby STRICKEN.

IT IS SO ORDERED this 20th day of November 2018.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE